

UNITED STATES DISTRICT COURT

for the

District of

Rhode Island Division

FILED
2022 JUL 13 P 3:04
U.S. DISTRICT COURT
DISTRICT OF RHODE ISLAND

Case No. _____

(to be filled in by the Clerk's Office)

Stephen Sylvia

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Jury Trial: (check one) ☒ Yes ☐ NoState of Rhode Island

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Stephen Sylvia

Street Address

19 Hezekiah Dr.

City and County

Warren

State and Zip Code

RI 02885

Telephone Number

401. 339. 4952

E-mail Address

SSylvia575@g.rwu.edu

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

Defendant No. 1

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

State of Rhode Island

150 South Main Street

Providence

RI 02903

401. 274. 4400

Defendant No. 2

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

Defendant No. 3

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

Defendant No. 4

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Violation of Constitutional and Civil Rights obstruction of justice. State is not allowing me to Present evidence of fabricated evidence, prosecutorial misconduct, perjury by law enforcement in a PCR motion filed in 2018 no judge assigned, not able to get a hearing. State denying a civil suit to be heard against defense attorney John M. Cullane for attorney malpractice

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)**

*PM-2021-01095 Filed 2.8.2021
PC-2017-5948 Filed 2.11.2017*

a. If the plaintiff is an individual

The plaintiff, (name) _____, is a citizen of the State of (name) _____.

b. If the plaintiff is a corporation

The plaintiff, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, (name) _____, is a citizen of the State of (name) _____. Or is a citizen of (foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.

Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

\$150,000.- for Obstruction of Justice, violation of Constitutional and Civil Rights

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

1. Bristol Police fabricated evidence used to charge, convict, ~~convict~~ sentence me.
 2. Perjury by law enforcement, prosecutor Kevin Hegan
 3. Prosecutorial misconduct
 4. Atty. malpractice established in prior PCR hearing
 5. State is not allowing a second PCR hearing based on above facts
 6. State has not allowed a civil suit against Defence atty John Crelline
- IV. Relief Filed 2.11.2017

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Plaintiff seeks Compensatory and punitive Relief in the amount of \$150,000.- for facts stated herein, and deliberate obstruction of justice in Constitutional and Civil Rights

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: _____

7.13.2022

Signature of Plaintiff _____

Printed Name of Plaintiff _____

Stephen Sylva

B. For Attorneys

Date of signing: _____

Signature of Attorney _____

Printed Name of Attorney _____

Bar Number _____

Name of Law Firm _____

Street Address _____

State and Zip Code _____

Telephone Number _____

E-mail Address _____

Forensic Drug Chemistry
50 Orms Street, Providence, RI 02904
(401)222-5567 / Fax (401)222-6064

Laboratory Case : FC 05-3342 Report 1
Department : Bristol Police Dept. // B
Case Number : 05-464-AR
Case Officer : ST. PIERRE

Report Date 9/14/2005
Page 1 of 1

Case Names: HALE, BRENNAN

Submitted : 8/5/2005 10:44:32 AM to Tom Tremblay by STEVEN CALENDIA

Exhibit Description(s) and/or Analysis

Item 01 The following evidence was submitted:

Exhibit 1 twenty seven bags containing powder.

Results and Observations

Positive Cocaine and/or its salts (Schedule II).

powder from two bags were analyzed.

Exhibit 2 container with greenish brown material.

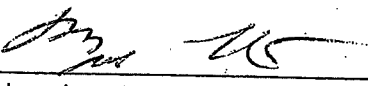
Results and Observations

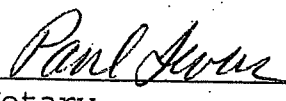
Positive Cannabis (Marijuana).

*LAB
Results
Copies*

Affirm that this document is a true report
the analysis that I performed.

Subscribed and sworn to before me under
the penalties of perjury.


Principal Forensic Scientist
Michael Liberto, B.S.

 9/14/05
Notary
Paul Iwuc

Entered: 07/18/2005 @ 2342 Modified ID: CALS
 Modified: 07/18/2005 @ 2342 Modified ID: CALS

STATEMENT OF DEFENDANT

7/18/2005 Time: Bristol Police Station

Name: Brennan A. Hale

Date of Birth : 2-14-83 Age: 22 SSN: 228-51-0111

Address 148 Bradford St. Apt. 2 Bristol RI: , Ph# 253-1016

I, Brennan Hale, MAKE THE FOLLOWING STATEMENT AFTER HAVING BEEN ADVISED OF MY CONSTITUTIONAL RIGHTS.

I GIVE UP MY RIGHT TO REMAIN SILENT.

I DO NOT WANT A LAWYER PRESENT AT THIS TIME.

I WANT TO TALK TO THE POLICE.

I AM DOING THESE THINGS VOLUNTARILY AND WITHOUT THREATS OR PROMISES BY MEMBERS OF THE BRISTOL POLICE DEPARTMENT.

BAH

Q. Please tell me if you have been advised of your constitutional rights?

BAH

A. I have.

BAH

Q. Please tell me if you understood your constitutional rights?

BAH

I did.

BAH

Q. Please tell me if you signed the rights form Detective Calenda presented to you?

BAH

A. I did.

BAH

Q. Is it correct you have been arrested for possession with intent to deliver COCAINE?

BAH

A. It is.

BAH

Q. Please tell me how you took possession of the COCAINE you were arrested for?

BAH

A. On Saturday, 7-16-05, I talked to a friend of mine Steve Silvia asking him how I could make some money. Silvia stated why don't I push some "COKE". Initially I thought it was not a good idea, but I really did not have any other options. I told him if he could get it to let me know. The next day, Sunday 7-17-05 Silvia called me and told me he had some "COKE" for me and if I wanted it we could meet up. Around 6:30 PM., I went to his house, I went inside, and he brought it to me while I was in the living room. Initially I had asked for a half ounce and I would have to pay him \$500.00. He gave me 25 grams which is more than a half ounce, Silvia told me we would work out the difference later.

BAH

Q. Please tell me where you were going to sell the COCAINE?

A. I was going to sell some to my room mates friends and probably go to the Topside.

BAH

Entered: 07/18/2005 @ 2342
Modified: 07/18/2005 @ 2342

Entry ID: CALS
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BAH
August of 2004

BAH
Q. Is it correct Detective Calenda showed you a picture of a male you identified as Joe Diamond?

BAH
A. Yes it is.

BAH
Q. Is it correct Detective Calenda identified this male as Joseph Machado, the same one you identified as Joe Diamond?

BAH
A. Yes it is.

BAH
Q. Is it correct you stated another customer of Gutierrez was identified as John John?

BAH
A. Yes it is.

BAH
Q. Is it correct Detective Calenda showed you a picture of a male identified as John Almeida?

BAH
A. Yes it is.

BAH
Q. Is it correct John Almeida is the same person you identified as John John?

BAH
A. Yes it is.

BAH
Please tell me if you know Almeida to sell COCAINE?

BAH
A. I know he would run it for Gutierrez, I am not sure what else he did.

BAH
Q. Please tell me if Gutierrez associated with other dealers?

BAH
A. I am not sure, but while inside the office, he would have a guy standing in the room. He was about 6'6, 280 lbs, white male, identified as Rick, shaved head, older guy, would drink in Andy's bar in Warren RI. If you said something stupid the big guy would hit you, he never hit me.

BAH
Q. Please tell me if you know who supplies Gutierrez with COCAINE?

BAH
A. He is Dominican, drives a black expedition, Rhode Island plates, did not see anything else. I was with Gutierrez twice and I saw the expedition. They met on Broad St Providence, the other time was way out in Warwick.

BAH

Entered: 07/18/2005 @ 2335
Modified: 07/18/2005 @ 2342

Entry ID: CALS
Modified ID: CALS

BAH
Q. Please tell me when you were going to pay Silvia?

BAH
A. He did not tell me a time, I assumed two weeks.

BAH
Q. Please tell me who was in the vehicle when you got arrested?

BAH
A. Steve Silvia, Melissa Malik, and Aaron Sheedy, who is my room mate.

BAH
Q. Please tell me who supplies Silvia with COCAINE?

BAH
A. John Gutierrez, the owner of Cafe LaFrance.

BAH
Q. Please tell me if Gutierrez ever supplied you directly with COCAINE?

BAH
A. Yes, between August 2004 and December 2004, I use to work at Cafe LaFrance. While I was an employee, I would deliver COCAINE to numerous customers for Gutierrez.

BAH
Q. Please tell me how often you would make deliveries for Gutierrez?

BAH
A. About 5 times a week, sometimes 2 a day, other times nothing.

BAH
Q. Please tell me where Gutierrez would store his COCAINE?

BAH
A. Inside his office filing cabinet, top draw, sometimes inside the safe.

BAH
Q. Please tell me the last time you observed COCAINE located inside Cafe LaFrance?

BAH
A. December of 2004.

BAH
Q. Please tell me if you have ever been to Gutierrez's residence?

BAH
A. Yes.

BAH
Q. Please tell me how many times and when was the last time?

BAH
A. Twice, the last time was around November of 2004.

BAH
Q. Please tell me the largest amount of COCAINE you observed while in the presence of Gutierrez?

BAH
A. About the size of a football, it was inside a bowl.

BAH
Q. Please tell me the largest amount of COCAINE you delivered for Gutierrez?

BAH
A. Five ounces.

BAH
Q. Please tell me who you delivered the five ounces to?

BAH
A. A guy named Joe Diamond.

BAH
Q. Please tell me when you delivered the five ounces?

y
BAH

Entered: 07/18/2005 @ 2333
Modified: 07/18/2005 @ 2342

Entry ID: CALS
Modified ID: CALS

BAH
Q.

Please tell me if Gutierrez sells any other narcotics?

BAH
A.

Marijuana and Ecstasy

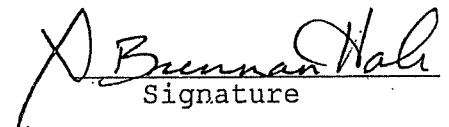
BAH
Q.

Please tell me if you would like to add anything to your statement?

BAH
A.

Not at this time.


Officer


Signature

Witness

4

#	OFFENSE(S)	A/C	STATE LAW
1	MANUFAC/POSS/DELIVER COCAINE-10Z-1KG OCCURRED: 07/18/2005 1957 CRIMINAL ACTIVITY: Distributing/Selling	C	21-28 4.01.1 (A) (2)
2	POSSESSION OF MARIJUANA-1st OFFENSE OCCURRED: 07/18/2005 1957 CRIMINAL ACTIVITY: Possessing/Concealing	C	21-28 4.01 (C) (1) (b)

#	PERSON(S)	PERSON TYPE	SEX	RACE	AGE	SSN	PHO
1	SYLVIA, STEPHEN A 33 ANNAWAMSCUTT DR BRISTOL RI 02809 DOB: 10/15/1983 EMPLOYER: QUITO'S SHELLFISH COMPANY	PARTICIPANT	M	W	21	039-56-1685	401-
2	MALIK, MELISSA M 23 HEZEKIAH DR WARREN RI 02885 DOB: 04/11/1982	PARTICIPANT	F	W	23	035-58-8291	401-
3	SHEREDY, AARON 15 CENTRAL ST WARREN RI 02885 DOB: 01/25/1986	PARTICIPANT	M	W	19	039-54-0236	401-
4	REBELLO, MEGAN E 12 HAMPDEN RD BRISTOL RI 02809 DOB: 06/21/1983 EMPLOYER: MHHS	OTHER	F	W	22	038-56-9545	401-2

#	VEHICLE(S)	YEAR	MAKE	STYLE	COLOR1	COLOR2	REG	VALUE
1		2001	CADI		GRY		RI ODB38	\$15,000.00

STATUS: Suspected
OWNER: HALE, BRENNAN A
VIN: 1G6KD54Y31U193137
DATE: 07/18/2005

#	DRUG(S)	PROPERTY #	STATUS
1	27 SMALL CLEAR BAGS CONTAINING COCAINE/MARIJUANA QUANTITY: 1.000 (Not Available at This Time) POSITIVE FIELD TEST OWNER: HALE, BRENNAN A	05-354-PR VALUE: \$0.00 LAB#: FC 05-3342	Seized (Not Previously Stolen), DATE: 07/18/2005 ANALYSIS: Positive for co

#	OTHER PROPERTIES	PROPERTY #	STATUS
1	CASH QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 07/18/2005 OWNER: HALE, BRENNAN A	05-357-PR VALUE: \$382.00	Seized (Not Previously Stolen)

#	OFFENSE(S)	A/C	STATE LAW
1	MANUFAC/POSS/DELIVER COCAINE-1OZ-1KG OCCURRED: 07/18/2005 1957 CRIMINAL ACTIVITY: Distributing/Selling	C	21-28 4.01.1(A)(2)
2	POSSESSION OF MARIJUANA-1st OFFENSE OCCURRED: 07/18/2005 1957 CRIMINAL ACTIVITY: Possessing/Concealing	C	21-28 4.01(C)(1)(b)

#	PERSON(S)	PERSON TYPE	SEX	RACE	AGE	SSN	PH
1	SYLVIA, STEPHEN A 33 ANNAWAMSCUTT DR BRISTOL RI 02809 DOB: 10/15/1983 EMPLOYER: QUITO'S SHELLFISH COMPANY 401-253-4500	PARTICIPANT	M	W	21	039-56-1685	401
2	MALIK, MELISSA M 23 HEZEKIAH DR WARREN RI 02885 DOB: 04/11/1982	PARTICIPANT	F	W	23	035-58-8291	401
3	SHEEDY, AARON 15 CENTRAL ST WARREN RI 02885 DOB: 01/25/1986	PARTICIPANT	M	W	19	039-54-0236	401-
4	REBELLO, MEGAN E 12 HAMPDEN RD BRISTOL RI 02809 DOB: 06/21/1983 EMPLOYER: MHHS	OTHER	F	W	22	038-56-9545	401-

#	VEHICLE(S)	YEAR	MAKE	STYLE	COLOR1	COLOR2	REG	VALU
1	STATUS: Suspected OWNER: HALE, BRENNAN A VIN: 1G6KD54Y31U193137	2001	CADI		GRY		RI OD838	\$15,000.
							DATE: 07/18/2005	

#	DRUG(S)	PROPERTY #	STATUS
1	27 SMALL CLEAR BAGS CONTAINING COCAINE/MARIJUANA QUANTITY: 1.000 (Not Available at This Time) POSITIVE FIELD TEST OWNER: HALE, BRENNAN A	05-354-PR VALUE: \$0.00 LAB#: FC 05-3342	Seized (Not Previously Stolen) DATE: 07/18/2005 ANALYSIS: Positive for c

#	OTHER PROPERTIES	PROPERTY #	STATUS
1	CASH QUANTITY: 1 SERIAL #: NOT AVAIL DATE: 07/18/2005 OWNER: HALE, BRENNAN A	05-357-PR VALUE: \$382.00	Seized (Not Previously Stolen)

50 ORMS ST., PROVIDENCE, RI 02904-2253; ROOM 306
401-222-5600, TTY 1-800-745-5555

HOURS: M-F, 8:30 a.m. - 4:30 p.m.
(appointment required for special requests)

DRUGS
TOX/DUI 222-5565 / 222-5535 / 222-5517 FAX
BIO/DNA 222-5535 / 222-5517 FAX
BREATH 222-5551 / 222-6985 FAX
EVIDENCE 222-5570 / 222-6064 FAX

EVIDENCE EXAMINATION REQUEST AND RECEIPT

SUSPECT(S) 1- Brennan Hale	SUBMITTING AGENCY Bristol Police	COUNTY	AGENCY CASE NUMBER 05-464 AR
2-	ARRESTING OFFICER Ptlm Steven St. Pierre	DATE OF OCCURRENCE 07/18/05	
3-	INVESTIGATING OFFICER	PHONE NUMBER 253-6900	
4-	JUVENILE CASE	FEDERAL CASE	SUPPLEMENTAL SUBMISSION TO CASE #:
VICTIM	DATE OF BIRTH	OTHER	

THIS BOX MUST BE COMPLETED FOR DUI CASES ONLY

SUSPECT ADDRESS	DATE OF BIRTH
TIME OF APPREHENSION	MEDICAL PERSON COLLECTING SAMPLE
MEDICAL PERSON'S PLACE OF EMPLOYMENT	

ITEM #	DESCRIBE EACH ITEM SUBMITTED	REQUEST
1	27 clear plastic bags containing a white powdery substance beleived to be cocaine	cocaine
2	1 clear plastic container with a brownish green leafy substance inside beleived to be marijuana	marijuana

LABORATORY # / DATE / TIME	GROSS WEIGHT	SUBMITTED BY (PRINT NAME):
[FOR LABORATORY USE ONLY]		SUBMITTED BY (SIGNATURE):
		ACKNOWLEDGE RECEIPT OF EVIDENCE PURPORTED TO BE AS DESCRIBED ABOVE. RECEIVED BY (SIGNATURE OF AUTHORIZED LABORATORY PERSON):
		3

Providence County

State of Rhode Island vs Brennan A Hale

Case No: P2-2006-0205A

JUDGMENT AND DISPOSITION

On the date(s) below came the attorney for the State and the defendant, who appeared in person and by counsel, before the justice of the Superior Court named below.

Prosecutor: Andrew G Muccigross

Defense Attorney(s): David A Cannon

IT IS ADJUDGED that the defendant, having entered a plea or having been found guilty as charged of the offense(s):

Count 1: Poss Sch I-V Control, Plea Of Nolo Contendere, Sentenced By Magistrate McAtee, 14-Mar-2006

Deferred 5 Years

Tasc

Substance Abuse Counseling

Community Service 100 Hours

Total Assessments \$996.00

Count 2: Poss Marijuana/1st Off, Plea Of Nolo Contendere, Sentenced By Magistrate McAtee, 14-Mar-2006

Deferred 5 Years Concurrent

and the Court, having asked the defendant whether he/she has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court,

IT IS ADJUDGED that the defendant is guilty as charged.

TRUE COPY ATTEST

Clerk

Justice, Superior Court

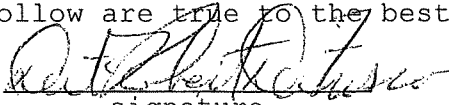
Date

Entered: 10/28/2005 @ 2101
 Modified: 10/28/2005 @ 2111

Entry ID: CALS
 Modified ID: CALS

POLICE NARRATIVE

I swear that the facts which follow are true to the best of my knowledge:


 signature

On 7/18/05 at approximately 1955hrs Ptlm Silvia advised me that he had observed RI OD838 travelling north on Hope St in front of his marked police cruiser. Ptlm Silvia advised that he observed the vehicle leaving an area known for drug activity on Wood St near Bradford St. Ptlm Silvia advised that the vehicle was occupied by four adult parties, and that the two passengers seated in the rear seat of the vehicle kept looking back at his cruiser. Ptlm Silvia advised that the vehicle was travelling cautiously at approximately 20mph in posted 30mph zone before making an abrupt turn off Hope St into the Bristol Express parking lot. Ptlm Silvia then turned off Hope St and onto Asylum Rd to enable him to further observed the vehicle. At this time Ptlm. St.Pierre took a position on Hope St at the Defiance Fire Station, north of Ptlm Silvia's location. Ptlm Silvia advised that the vehicle quickly left the Bristol Express parking lot at a faster pace that it had been previously travelling. Ptlm Silvia advised that the vehicle headed north again on Hope St, and Ptlm. St.Pierre observed the vehicle pass his location and immediately slowed down upon coming into view of my marked police cruiser while travelling northbound on Hope St. As the vehicle came into my view Ptlm. St.Pierre observed the female passenger seated in the rear passenger side seat, later identified as Melissa Malik, observe his position and tap the front seat passenger on his right shoulder with her right hand. The front seat passenger, later identified as Brennan Hale, then looked quickly in Ptlm. St.Pierre's direction and made a quick motion to his left, moving his right arm across his body towards the center console of the vehicle and then motioning back between his legs, bending forward with his arms reaching downward. The vehicle continued north on Hope St travelling cautiously at approximately 20mph in a posted 35mph zone, and then made a right turn against the posted, clearly visible, red traffic light east on Gooding Ave failing to make a complete stop at the stop line for the red traffic light on Hope St, and rolling through the stop line. Ptlm. St.Pierre activated his emergency lights and pulled the vehicle to the side of the road on Gooding Ave at Hope St. Ptlm Silvia then arrived at my location and pulled his marked cruiser behind my marked patrol car.

As Ptlm. St.Pierre approached the driver's door of the vehicle he observed the front passenger of the vehicle again reach beneath his seat by moving his right arm between his legs under his seat, and then quickly sitting up straight and glancing over his left shoulder in my direction. When Ptlm. St.Pierre reached the driver's door of the vehicle he detected an odor consistent with the smell of burned marijuana. Ptlm. St.Pierre observed the driver of the vehicle, known to be Stephen Sylvia, to be reaching into the glove box of the vehicle from which he retrieved the vehicle registration. Ptlm. St. Pierre asked Sylvia to exit the vehicle and step to the rear of the car, while instructing the remaining occupants to place their hands in clear view in front of them and to remain seated in the vehicle. Ptlm. St.Pierre conducted a pat down search of Stephen Sylvia for officer safety after which he was observed by Ptlm Silvia. Stephen Sylvia appeared nervous and was speaking in a rapid manner and looking around to his left and right at passing traffic as he exited the vehicle and was searched for officer safety. I then asked Hale to exit the front passenger seat of the vehicle, which he did without hesitation. Ptlm. St.Pierre asked Hale why he had been reaching down under his seat and he stated that he was trying to retrieve the vehicle registration from the glove box. When Ptlm. St.Pierre asked him why Stephen Sylvia had retrieved the paperwork from the glove box, he became silent. Hale appeared white in the face and he was sweating heavily as evidenced by the beads of sweat dripping down his face from under his baseball cap. Ptlm. St.Pierre conducted a pat down search of Hale and detected a square plastic case in Hale's front left pocket, which Hale described as a box of Tic Tacs. Hale smelled of an odor consistent with the smell of marijuana, stronger than

2

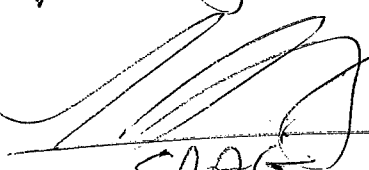
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Modified: 10/28/2005 @ 2111

Entry ID: CALS
Modified ID: CALS

the smell detected from the driver side of the vehicle. Hale was then also transferred to Ptlm Silvia's observation. Ptlm. St.Pierre then asked Malik to exit the vehicle, which she did. Malik was wearing a pair of jeans and a halter top which made it readily evident that she was not concealing an weapons on her person. When Malik exited the vehicle she was holding a cellular phone raised in her right hand which she dropped on the roadway as she exited the vehicle. Malik was allowed to retrieve the phone from the ground beside the vehicle, and took it back into her possession. Malik was then also transferred to Ptlm Silvia's observation. Ptlm. St.Pierre asked the rear driver side passenger, identified as Aaron Sheedy, to exit the vehicle. Ptlm. St.Pierre conducted a Pat Down Search of Aaron's person and he was also transferred to Ptlm Silvia' observation. Ptlm. St.Pierre checked the front passenger seat of the vehicle and upon opening the front passenger door of the vehicle Ptlm. St.Pierre observed a clear plastic bag containing numerous individually wrapped smaller bags filled with a white powdery substance, which later field tested positive for cocaine, located just under the front passenger seat of the vehicle in clear view from inside the vehicles cabin. Ptlm.ST.Pierre brought Stephen Sylvia to the front of the vehicles cabin on the passenger side where he observed the cocaine where it lay. Sylvia then stated in an unprompted utterance "that's not mine, I have no idea where that came from, or who that belongs to". Ptlm. St.Pierre approached Hale and placed him in handcuffs without incident. Ptlm. St.Piere read Hale his Miranda rights witnessed by Ptlm Silvia. Hale stated that the cocaine had been in his possession but that he was "holding" it for someone. Hale refused to comment on "who" he was holding the cocaine for. Hale was then secured in the rear of my patrol car, and a more thorough search of the vehicle was conducted. During this search I located \$332.00 in both large and small bills in a center compartment of the vehicle between the driver and front passenger seats, and approximately 12 inches from where the cocaine was located. A set of keys were observed on top of the money found inside the compartment, and Hale identified the keys as belonging to him, but denied that the money belonged to him. After the search of the vehicle was complete and no further contraband detected Sylvia, Malik, and Sheedy were returned to the vehicle. Sylvia was informed that he was stopped for failing to stop at the red light at the intersection of Hope and Gooding, and released from the scene along with the vehicle, as circumstances surrounding the nature of the narcotics arrest, and subsequent potential investigation were such that officers needed to clear the vehicle and suspect from the scene in a timely manner. Ptlm. St.Pierre transported Hale, the seized money, and cocaine to HQ. The cocaine and money was logged as evidence and placed in locker #4. An inventory search of Hale's person found that the Tic Tac container in Hale's left front pocket contained a green leafy vegetative substance which field tested positive for marijuana. Hale's property was logged and Hale was secured in cell#1. Ptlm. St.Pierre contacted Stephen Sylvia via telephone and asked him to respond to HQ to receive is summons. Upon Sylvia responding to HQ he received a traffic summons for obedience to traffic control devices. At this time Sylvia asked if \$82.00 had been seized from his vehicle. I informed Sylvia that the money along with the cocaine had been seized as evidence. Sylvia stated that he was only aware that \$82.00 was present inside the vehicle and that he was not aware that any other money was located in the vehicle. Sylvia could not explain however, why the total amount of money seized was located under Hale's keys, and all in one location. Sylvia was informed that all the money seized would be entered as evidence. Hale was processed by Sgt Moy and remained at HQ for his court appearance on 7/19/05.

Detective Calenda (Bristol Police Department Narcotics Officer) was advised of Hale's arrest, responded to headquarters, and obtained a detailed statement from Hale. Hale's statement is attached to this report.

Signed and sworn to before me at Providence on the 9 day of January
A.D. 2006.


SAAG

06

P

2

Case ID: P2-2006-0205A **Description:** BRENNAN HALE
Date: 23-JAN-2006
al Case ID: 62-2005-13209

ant Name: BRENNAN A HALE **Police Dept:** BRISTOL POLICE DEPARTMENT
.0068319 **Date of Birth:** 14-FEB-1983 **Incarcerated:**
s: 36 CHURCH STREET

WARREN RI 02885

E ATTORNEY: DAVID A CANNON

JTOR: ANDREW G MUCCIGROSSO

Charge Information

Count: 1 21-28-4.01-c2i POSS SCH I-V CONTROL

Offense Date: 18-JUL-2005

Charge Text:

Disposition: PLEA OF NOLO CONTENDERE

Sentence: DEFERRED
Term: 5 Years
Start: 14-MAR-2006
Judge: MAGISTRATE MCATEE
Text:

Sentence: TASC
Term: 0 Years
Start: 14-MAR-2006
Judge: MAGISTRATE MCATEE
Text:

Sentence: SUBSTANCE ABUSE COUNSELING
Term: 0 Years
Start: 14-MAR-2006
Judge: MAGISTRATE MCATEE
Text:

Sentence: COMMUNITY SERVICE 100 HOURS
Term: 0 Years
Start: 14-MAR-2006
Judge: MAGISTRATE MCATEE
Text:

Sentence: TOTAL ASSESSMENTS
Term: 0 Years
Start: 14-MAR-2006
Judge: MAGISTRATE MCATEE
Text: \$996.00

Count: 2 21-28-4.01-c2ii/M POSS MARIJUANA/1ST OFF

Offense Date: 18-JUL-2005

Charge Text:



395 METACOM AVENUE * BRISTOL, RHODE ISLAND 02809
TELEPHONE (401) 253-6900



RUSSELL S. SERPA
Chief of Police

On 7-18-2005, Brennan Hale provided your affiant with a written statement indicating Stephen Sylvia delivered an ounce of COCAINE to him and they both conspired to sell said COCAINE. According to Hale, on 7-16-05 Sylvia suggested if Hale needed to make money he could sell COCAINE. Hale stated he was interested and on 7-17-05 Hale went to Sylvia's residence and received an ounce of COCAINE. Originally it was supposed to be a ½ ounce; Sylvia indicated the difference of money and weight would be made up at a later date. Sylvia indicated to Hale he would need \$900.00 in return after the ounce was sold. Your affiant prays that a warrant be issued for Stephen Sylvia as he was in violation of 21-28-4.01.1(A) (2) and 11-6-1 of the Rhode Island general laws as amended.

E. SP. Calenda

Affiant
Detective Steven P. Calenda

NEWPT

Subscribed and Sworn to Before Me at (City / Town)

7/26/05

Date

J. Gorman

Judge of the District Court,

Justice of the Superior Court
Any authorized officer

WP

a word processing service bureau

Outsource

December 12, 2017

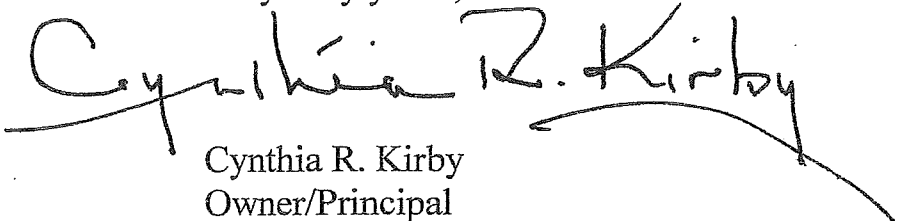
Superior Court
Rhode Island State Courts
Providence, Rhode Island

To Whom It May Concern:

This is to verify that on December 12, 2017, my office was retained by Mr. Stephen A. Sylvia to transcribe a recording of a meeting held on November 20, 2017, with attorney Kevin Hagan at his office in Newport, RI.

I can certify that the Word Document herewith attached of that meeting was transcribed by this office and submitted to Mr. Sylvia and honestly reflects the recording that I was given.

Very truly yours,


Cynthia R. Kirby
Owner/Principal

Transcription for Stephen A. Sylvia
401-649-0477

Meeting with Kevin Hagan at his office
On November 11, 2017 at
105 Memorial Boulevard
Newport, RI 02840
401-649-0477

SAS - Identified as Stephen A. Sylvia

KH - Identified as Kevin Hagan

SAS Let me be fair and start of and tell you that you are the prosecutor.

KH Oh, is that right. Ok

SAS In 2005, I was pulled over with four people in the car.

KH Yep.

SAS The defendant in that car, when we got pulled over...

KH ...Can you print me the document

SAS I have everything here

KH You do, Let me see

SAS ...that file post release myself on November 15

KH You did...ok

SAS 'Cause nobody, nobody at all would help me. That whole packet is everything. Actually it's in the blue clip right there.

KH That's not my signature on the waiver of information. It's definitely not my signature....I can show you the Judgement Summary....I can figure out a lot just from what you have here. John Cicilline wrote this...

SAS He did. He also represented me in 2003, that's why there some paperwork that happened in 2003, and I brought those to show the motions that he filed for me on my behalf in 2003 when I admitted to the charge. In 2005, when I vividly stated multiple times that I was not guilty of that, he didn't file one motion in four months besides and extension because he was not ready.

KH In 2005?

SAS Correct.

KH Did you file a motion for post-conviction relief on both cases?

SAS No. Only on the 2005.

KH So it's ineffective assistance of counsel in your basis for your seeking post-conviction relief?

SAS Correct. Conflict of interest.

KH What was the conflict of interest?

SAS The conflict of interest has to relate to the Mason and the Ison for which John Cicilline pleaded the 5th to planting evidence to bribe the court officials

KH ...you mean that afterwards. Didn't John Cicilline...wasn't that after...

SAS Well, he pleaded the 5th on the grounds in 2006, but the cases went from 2004, 2005, and he went to court in 2005 on the Mason and pleaded the 5th. His own case went to 2008.

KH Ok. But what does that have to do with your case? 'Cause John represented a lot of people during that time period.

SAS Correct. My conflict of interest is that he didn't sign or ask me to sign a consent form, being that he was working with the DA, the same DA from Bristol that was prosecuting my case was Steve Collenda. He didn't tell me that he was going to go on the stand and pointing people out. He didn't tell me that he was charged with cocaine and manipulating the court system while he was representing me. I would have....

KH Oh, I see...

SAS I don't want a lawyer like that.

KH Do you think he is required to disclose...

SAS Yes he is. It's the law that he has to. There's a proper....

KH: But is it a conflict of interest, though? In other words, how would that impair, ostensibly impair his representation of you?

SAS Um, the rules of conduct, I mean...

KH No...he began to adjudicate of misconduct at that point

SAS But he eventually was convicted, so then you can back-track it to if he was representing me...

KH I'm not aware of any situation where that's been done.

SAS How could he be confident if he was doing this. He's not that...

KH Yeah, yeah, I know, I hear you...

SAS But That's not the whole thing of my case. I don't even have to...If you don't think that's the fighting way to go about it, I don't that that is, I think think the facts of my case is enough to dismiss it.

KH Yeah, but the facts...Didn't you admit, when you plead Nolo Contendere on both occasions...

SAS But he also told me that the co-defendant was in the judge's chambers.

KH What do you mean he was in the judge's chambers?

SAS ...he was in the judge's chambers and was going to go on trial against me. That's what he told me and my whole family.

KH To which you did a plea of Nolo Contendere?

SAS Correct...

KH Was that true?

SAS No

KH How can you disprove, how can you disprove that?

SAS Because I also brought...

KH Do you have an affidavit from Hale?

SAS No.

KH You would need it.

SAS What I have is, when I go out to the elevator, ...there was four people in the car. I had everybody else with me, they came with me in my car to that court date. I had about thirty or forty people of my family with me at that court date. We all thought it was trial. John told us it was trial. When I showed up he told me that I had to take it because Brendan Hale was inside the judge's chambers. Now when I read that myself eight months ago when I got to the Pawtucket Judicial Building

KH And that's the 2005...

SAS Correct...

KH The judgment conviction says that I was the prosecutor of 2005.

SAS Correct

KH So I'd be a witness.

SAS Ok.

KH ... but don't have any independent recollection of that at all, but, I would be a witness. Your BCI, when was this from? Oh, 2003, that why it doesn't list in the 2005 case.

SAS The facts of the case...

KH ... You remember me?

SAS No, no

KH ...cause it doesn't even remotely ring a bell.

SAS Everything was so crazy. My brother had just passed away. My grandfather had just passed away, and my wife...who is now my wife was pregnant. Now my father adamantly told me not to take that plea.

KH He did.

SAS Oh, absolutely.

KH ...and the only reason you did was 'cause you thought that you were scheduled for trial?

SAS I thought it was trial. Everybody thought it was trial. But there is no way it could have been a trial, you know why, cause now that I read all that, he never subpoenaed or asked to subpoena any of the witnesses that wanted to come with me. So how in the world were the two people that I brought that day, that were witnesses in that car, how were they going to go on the stand.

KH Well let's look at that 'cause you were on the docket, let's see what it says. Was it a violation period as well as a...

SAS Well, now that I read it, it was a violation...

KH Yeah.

SAS ...which definitely wasn't trial.

KH Right, but let's see...2005...you waived your right to a violation hearing.

You were declared to be a violator. Were you continued on the same sentence, on the 2003 case?

SAS I believe I was.

KH Yeah, I would imagine so. Who was the judge?

SAS Procaccini

KH Judge Procaccini, November 9, 2005.

SAS Correct

KH What was the sentence imposed?

SAS Possession with over an ounce of cocaine.

KH What was the sentence?

SAS Ten years and two to serve...

KH How much cocaine was it?

SAS Alleged over an ounce.

KH How much over an ounce?

SAS It doesn't say.

KH You don't know? You don't know that?

SAS No.

KH Cause that a really good...objectively speaking, just not knowing everything, if you looked at it...was a great deal, a great deal, one of the most

lenient judges in the whole state. If it was Judge Nugent...nine years...ten years. I mean, I'm just saying, looking at it objectively.

SAS Procaccini told me that actually, if I hadn't brought in the...it's in the transcript, I believe which is on the very back of that, because I also got the transcript, he stated that if I didn't have so many people in the court that were family members that he had never seen so many people show up that I would have been sentenced to a lot more years was his statement.

KH In 2005, who did I...

SAS Now my biggest problem with the case is, when I got pulled over, the passenger lifted up his butt and threw the clear white bag of cocaine...

KH Have you ordered the transcript of the Plea ...of 2005?

SAS The transcript? ...at the bottom ...at the bottom of the page...at the back of the whole thing.

KH Karen Casarette was the stenographer. You have to keep going all the way to the back. It's the last thing.

SAS Now the two patrolling officers that pulled us over...

KH That's not a transcript...

SAS Oh, the actual one.

KH Yeah.

SAS Oh the actual real one.

KH You don't have that?

SAS The actual real one Phil Dimitri has right now, because I've asked him to take this case. He just hasn't gotten back in a timely manner, and I've just asked about four or five other people...

KH He just finished a murder trial.

SAS No, no, I know.

KH This doesn't...this waiver information in 2005, that doesn't look like my signature. I know my signature. That looks like Judge Procaccini's signature. And that's definitely John Cicilline's signature.

SAS That's why I want you to know the facts.

KH That just doesn't look like...the reason why I wanted to see the transcript of the plea is because was I actually there, because I don't recall this at all. Not one bit. Usually I have a pretty good...

SAS It was also a long time ago,

HK Naw, I don't recall it at all.

SAS So the facts of the case, when I got pulled over, the two officers in the car that pulled me over, seen the passenger throw the cocaine underneath the passenger seat.

HK But those things...those are related...your argument is ineffective assistance of counsel, Right?

SAS I've actually put...if you read,, I've actually done a lot of different counsel on that

HK Yeah, ok, but it all goes back to how you were represented, doesn't it.

SAS I was also charged with a crime that...

HK You're saying that he didn't subpoena ...he didn't cross examine Brendan Hale?

SAS He didn't do anything.

HK Well, of course not because it was a plea, right?

SAS In four months? In four months he didn't do anything...

HK Well, you can't depose a witness in a criminal case, and you can't cross examine a witness in a criminal case before the trial. There's no mechanism for that.

SAS Well, why would he subpoena the rest of the people in the car to get their witness statements?

HK You mean interviewed them or something?

SAS Yeah, why wouldn't he try to deposition them?

HK Yeah, he didn't investigate thoroughly.

SAS But you can't cross examine and subpoena people unless there's a trial.

HK You filed this already? This is not...you're on the wrong track on a lot of this stuff.

SAS I know I was charged possession for the day...I was charged with the cocaine for the day before the traffic stop that the kid admitted to having.

HK When you plead Nolo Contendere you waive your right to a trial.

SAS If you're competent and make an intelligent...

HK Yeah, so isn't your better argument...aren't you trying to attack the voluntary, the knowing intelligent and voluntary nature of the plea, itself?

SAS I do attack that on the last page of the list of issues.

HK First of all, one thing about me is I don't represent people in cases regarding the incompetence of another lawyer, and John's a friend of mine. So I wouldn't...it's just not something I would do to begin with. I'd be surprised if Bill Dimitri would do it as well. You know, um, and you're going to have a tough...There are lawyers that handle cases like this. Like Richard Ratcliff comes to mind. He's at Ratcliff, Burke, Harten & Elias in Providence. He handles malpractice cases against attorneys. I'm a criminal defense lawyer, so any criminal defense lawyer is going to have a relationship with John. You almost need to go to the next level on that, I think.

SAS Do you think that I should have been charged for that possession for the day before the traffic stop. Now the kid admitted to having it, and was seen having it. He admitted it in the police station...all these charges were dropped.

HK Ok. But it doesn't matter, 'cause you already entered Nolo Contendere. If you want to argue those, you would have had a trial. Only you can say...when the judge says, "Do you...this is what we allege that Stephen Sylvia did.. and then the judge looks at you and says do you admit that. And you're the one that has to say yes.

SAS And I did say yes And I was also told that this was a trial and that Brendan Hill was in the judge's chambers.

HK Ok...and if that wasn't true...

SAS Of course it was...

HK Can we prove that?

SAS Why can't I get a deposition from the two witnesses? They were with me. They had to get a ride home with God knows who cause I went to jail.

HK Ok. You can't depose witnesses in a criminal case. There's no rule for it.

SAS How can I prove it? This is absolutely ridiculous. There has to be a way.

HK I don't know. I don't know. I wish I could answer that question.

SAS How in the world, if he admitted to it and saying he admitted to it and signed an affidavit saying that, why would they charge me with it the day before, and drop the charges on him? Does that make sense?

HK No, no, the way you...it doesn't make sense.

SAS But you can read it and the statement says that exact things. It's right there, that's the page with the police officer's statements.

KH Who's this narrative from Collenda?

SAS There's a narrative there from Collenda, and that one right there...one of the officers...if you turn the page, that's the meat of the next one. That one doesn't say much. It's the next one. On the next page, and I'm sorry, but when I photo copied it, I guess I kind of moved the paper so it kind of slanted, but I mean, it is readable. (Long pause while KH is reading).

HK So what was your question again after reading this.

SAS My question is that there is more than enough evidence that Brenden Hale was the one that possessed that so how...

HK Yeah, it a constructive possession case. Right?

SAS Yeah. But I was charged the day prior to that, and I don't mean to be facetious when I say this but, how in the world...

HK Did they, prior...

SAS Yeah, that date right there is 7/18 when that...when he was...

HK I know

SAS But they charged me on July 19.

HK Why July 19?

SAS His court date was July 19. Brenden Hale's court date for those charges was July 19, and from there on his charges were dropped.

HK Why do you think that that happened?

SAS Well, because two days after that arrest right there

HK You all got released from the scene?

SAS The two cops that pulled me over said that they seen him lift up his butt and throw it underneath the seat. They clearly seen him do it, and they asked me if I...

HK You would have been released because they were trying to exact cooperation from more and more of you. Right?

SAS They released us three in the car, they arrested Brenden Hill that day, which was 7/18, set the court 7/19...

HK And Hale's case was dismissed?

SAS I cannot find a single thing out.

HK ...because he cooperated and said it belonged to you.

SAS Supposedly, because there's not an affidavit in there signed by Brenden Hale. There's only a statement...

HK ...why would there be an affidavit...

SAS I was just wondering, should there be a statement signed by him? Would it make it an official statement?

HK Did you get discovery?

SAS Everything that I have from that discovery is right there. That's all there is and it's only a statement from the detective.

HK Yeah. Yeah.

SAS Now I was told that possibly that the Attorney General's office might have more information, but that is...

HK Maybe...

SAS ...that is every single document

HK Yeah, they might. If you file a Motion For Post-Conviction in a civil case, then you're filing against the state of Rhode Island. Right? So if you can exchange discovery, you can request documents that they have in their possession and vice versa. This is weird....

SAS ...it was the day before...everyone is telling me...

HK It looks to me like

SAS I know the biggest problem...

HK Who represented Hale?

SAS Nobody! Two days later this jamolk two days later asks me to him and Collenda at a softball field, and I looked at him and said, "I'm not going to help you. And he goes, "You were in the car, and he's like who was this drug dealer, this guy, John, he goes, John knows that I was arrested, but knows that you weren't. He's like, I want you to help me and get some cocaine off of him, so I can

get off. I said, are you out of your marble? I don't want no part of that. What happens later...now I don't ever talk to that kid again, cause I'm old school. What I did was I went right to the softball team. I told everybody on the softball team what he had just told me. As soon as he came walking up the softball field...

HK Why didn't he provide what you're asking him?

SAS Correct, but...

HK ...a written statement indicating that Stephen Sylvia deliverer an ounce of cocaine to him and they all conspired to sell...and Hale's case was dismissed?

SAS It says he had court on the 19th and there was never another court date.

There's nothing in the computer system.

HK Interesting. You know there's a witness against you.

SAS Current?

HK Yes

SAS I guess so.

HK In fact, he was the material witness.

SAS How reliable is he. He was lying all the time...

HK Those are all the things you can explore in a trial, like weren't you trying to save your own ass, yes, of course, you can cross examine a witness about that.

SAS ...which John Cicilline didn't do or try to do or try to do a single thing. Now I also went to Robert Mann prior before Cicilline, and Robert Mann told me while

I was in the conference with my parents that I was going to have to rat on these charges because it was going to be a violation on the other one...on the 2003 case, and I told him that regardless of ratting or not I was not going to snitch someone out. I got up, I walked out, and I left my parents in there. Now I told John Cicilline this, and he goes, "I'll take your case, 'cause this is going to be a slam. This is easy, we'll be out in five minutes. Five minutes means to me walking in and going to jail. Now when I told him I wanted no part of being a confidential informer for him and Collenda, a month later I was arrested.

HK Of course, it's going to be your word against John's. That's it. That's the whole case.

SAS So I can't bring witnesses...

HK You can, you can call any witnesses you want.

SAS Would I be able to call the two kids in the car?

HK Sure, but they might invoke the Fifth Amendment

(Here I think a call is coming into the telephone that is recording and as a result the conversation is very inaudible)

HK ...(Conversation Gap)for a new trial...plea vacated for a new trial.

SAS: I wouldn't go to jail again.

HK If you were convicted of a crime you would.

SAS How...that's double jeopardy. If I just went to jail for it and I've already spent the time...

HK No if they take a conviction.

SAS Ok, but I still went to jail. Who's vacating the time I spent already?

HK Oh, no, no, no, that's, yeah, no, that's true. You've already served. There are different kinds of post-convictions. They can vacate the conviction. They can vacate the conviction and give you a new trial.

SAS Well, I don't see...could they give me a new trial?

KH Yes, they could.

SAS ...if I already went to jail for it.

KH Yes, they could. You'd get credit for the time that you've served, but yeah, I've seen that. The last post-conviction relief that I've handled was...actually the conviction was vacated. It was a child molestation case, and this defendant was...had already served five years at the ACI and was going to be retried, and then he pled to a lower offence and got credit for the five years that he had already served. But he could have gone to trial again and gotten more time. Sure

SAS Even when my probation and all that stuff is over on this case?

KH It's possible.

SAS I'm still going to fight it again. I was wanted to go to trial the first time and I was willing to say that he was wrong, and that this wasn't...

KH Bill Dimitri, would be... you know Richard Ratcliff I just know is an attorney in Providence, You know, Richard Ratcliff, he's an attorney that handles stuff like this, you know, because a lot of attorneys are reluctant to, you know, be in an adversarial position with another lawyer that they...I certainly wouldn't do it.

SAS ...to spite the fact that it's right versus wrong.

KH No. I also think that my name is on the docket sheet and the Judgment of Conviction, so how could I represent you?

SAS I would give you my signature.

KH ...no, it's a conflict that I don't think would even be waived by the court.

Let's put it that way. That's, you know. I could be a witness in this. So. You know.

I wish I could help you. It's unfortunate. But Bill Dimitri, I have a lot of respect for Bill. Bill is one of the best attorneys in the state. I think everyone else kind of thinks that too. That's kind of like a universal thing. Bill is fantastic. Richard Ratcliff I know handles cases like that. But why don't you check with them and see if they can help you. You know. Bill would get back to you, I'm sure.

SAS He told me he was going to be busy for the next three weeks, and you told me he was on a murder case.

KH Yeah, a murder trial. Wish I could help you, man. Sorry. Alright? Good meeting you though. I'll see you later. Maybe (Ha! Ha! Ha!).

Providence County

State of Rhode Island vs Stephen Sylvia

Case No: P2-2003-2750A

JUDGMENT OF CONVICTION AND COMMITMENT

On the date(s) below came the attorney for the State and the defendant, who appeared in person and by counsel, before the justice of the Superior Court named below.

Prosecutor: Kevin Hagan

Defense Attorney(s): John M. Cicilline

IT IS ADJUDGED that the defendant, having entered a plea or having been found guilty as charged of the offense(s):

Count 1: Man/Del/Poss W/Int I/li N/Dep, Defendant Is A Violator Of A Previously Imposed Deferred Sentence, Sentenced By Judge Procaccini, 09-Nov-2005

Violation Of Deferred Sentence removed

Suspended 5 Years

Probation 5 Years

and the Court, having asked the defendant whether he/she has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court,

IT IS ADJUDGED that the defendant is guilty as charged and convicted.

IT IS ADJUDGED that the defendant is hereby committed to the custody of the warden of the Adult Correctional Institutions for the period stated above.

IF CONVICTED AFTER TRIAL, the defendant has been advised of his/her right to appeal within twenty (20) days to the Supreme Court and of his/her right, if unable to pay the cost of an appeal, to apply for leave to be represented on appeal by the public defender or to appeal in forma pauperis.

IT IS ORDERED that the Clerk deliver a certified copy of this judgment to the proper authority of the Adult Correctional Institutions and that the copy serve as the commitment of the defendant.

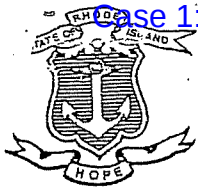
TRUE COPY ATTEST

Clerk

Justice, Superior Court

Date

11-22-05



DEFENDANT'S PETITION TO WAIVE
INDICTMENT/INFORMATION

SUPERIOR COURT

☒ PROVIDENCE/BRISTOL ☐ KENT ☐ WASHINGTON ☐ NEWPORT

STATE OF RHODE ISLAND VS. <i>Stephen J. Ivie</i>	CASE NO. <i>P2-05-3349</i> DISTRICT COURT CASE NO. <i>62/05-015434</i>
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The defendant in the above case appeared on 8-23-05 in the 6th
DATE

Division of the District Court on the attached complaint charging the defendant with:

I, the defendant, by waiving indictment or information, understand that I am giving up the right to a preliminary determination of the merits of my case. I understand that I have the right to have the evidence in my case review by the grand jury or by a designated member of the Attorney General's office to determine if there is sufficient probable cause for my case to proceed from District Court to Superior Court. Acting with the benefit of counsel, I am freely, knowingly, and voluntarily waiving my right to that process in order to have my case heard in Superior Court today. I am waiving my right to this process as to the following charges only:

Offense(s)	Offense Date(s)	Offense Location(s) City/Town
<i>CT1 Possession of Cocaine in excess of 1 oz.</i>	<i>7-17-05</i>	<i>Bristol</i>
<i>CT2 Conspiracy</i>		

The defendant further represents to this Court that, pursuant to Rule 7 (b) of the Superior Court Rules of Criminal Procedure, the above are not offense(s) punishable by death or mandatory life imprisonment, and accordingly the defendant hereby waives the filing of: ☒ Indictment ☐ Information for said offense(s) and consents to being proceeded against by complaint.

[Signature]
DEFENDANT

[Signature]
ATTORNEY FOR DEFENDANT

11-9-05
DATE

ORDER

Petition granted. Habeas may issue returnable on _____

DATE


Assented to: *[Signature]*

ATTORNEY GENERAL

Enter: *[Signature]*

JUSTICE

11-9-05
DATE

STATE EX REL		VS. DEFENDANT (NAME AND ALIAS) STEPHEN A SYLVIA Alias- J. Doe- STEVEN SYLVIA		05-22-WA		 STATE OF RHODE ISLAND DISTRICT COURT CRIMINAL COMPLAINT	
DEFENDANT ADDRESS AND PHONE 33 ANNAWAMSCUTT DR. BRISTOL RI 02803-2413							
STREET		CITY		STATE		PHONE	
DEF. D.O.B. 10/15/1983		DEF. BCI NO. 10076299		DEF. SOC. SEC. NO. 039561685		DEF. M.V. LIC. NO. RI-9933329	
OFFENSE DATE 07/17/2005		<input type="checkbox"/> DIVERS DATE		OFFICER/COMPLAINANT DET. STEVEN P. CALEWA		DETERMINE ATTY DATE	
POLICE DEPT./COMPLAINANT ADDRESS Bristol Police						PRE TRIAL DATE	
						PRE-ARRAIGN CONF DATE 10/24/24	
						SUPERIOR CT ARRAIGN DATE 10/16/24	
						TRIAL DATE	
						MISC DATE/BAIL HRG/CONTROL	

TO ANY JUDGE OR JUSTICE OF THE PEACE: ON BEHALF OF THE STATE I SWEAR THAT THE ABOVE DEFENDANT DID COMMIT THE FOLLOWING OFFENSES:			
OFFICER/COMPLAINANT X P. S. A. Calewa	DATE 7/26/05	SWORN TO BEFORE JUDGE/JUSTICE OF THE PEACE X J. J. J. J.	DATE 7/26/05
INITIAL APPEARANCE			
APPEARANCE DATE	BAIL FOR ALL COUNTS \$	ARRAIGNMENT DATE	JUSTICE OF THE PEACE

ARRAIGNMENT					
ARRAIGNMENT DATE 6/3/05	ADVISED OF RIGHTS <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	JURY TRIAL WAIVED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	PLEA COUNT 1	PLEA COUNT 2	PLEA COUNT 3
BAIL FOR ALL COUNTS \$5000.00	ATTORNEY NAME	<input checked="" type="checkbox"/> PRIVATE <input type="checkbox"/> COURT APPT. <input type="checkbox"/> P.D.	JUDGE/JUSTICE OF THE PEACE X		

COUNT 1	STATUTE(S) VIOLATED 21-28-4.01.1(A) (2)	<input checked="" type="checkbox"/> FELONY <input type="checkbox"/> MISDEMEANOR <input type="checkbox"/> VIOLATION <input type="checkbox"/> ORDINANCE
DELIVERY OF 1 OZ to Kilo of COCAINE: Did unlawfully deliver to Brennan Hale a controlled substance to wit, an ounce of COCAINE as set forth in Schedule II of 21-28-2.08 of the general laws, as amended, in violation of 21-28-4.01(A) (2) (b)		
DISPOSITION <input type="checkbox"/> DISMISSAL <input type="checkbox"/> GUILTY PLEA <input type="checkbox"/> NOLO PLEA <input type="checkbox"/> GUILTY FINDING <input type="checkbox"/> NOT GUILTY FINDING <input type="checkbox"/> CASE FILED 1 YEAR <input type="checkbox"/> INFO/TRUE BILL <input type="checkbox"/> NO INFO/NO TRUE BILL <input type="checkbox"/> OTHER		SENTENCE IMPOSED
PROCEEDING <input type="checkbox"/> ARRAIGN <input type="checkbox"/> PRE TRIAL <input type="checkbox"/> TRIAL <input type="checkbox"/> OTHER		APPEAL TAKEN <input type="checkbox"/> JUDGE <input checked="" type="checkbox"/> DATE

COUNT 2	STATUTE(S) VIOLATED 11-1-6	<input checked="" type="checkbox"/> FELONY <input type="checkbox"/> MISDEMEANOR <input type="checkbox"/> VIOLATION <input type="checkbox"/> ORDINANCE
CONSPIRACY I agree, combine, confederate, contrive, and conspire with Brennan Hale, to commit the crime of MANUFAC/POSS/DELIVER COCAINE-10Z-1KG CONSPIRACY		
DISPOSITION <input type="checkbox"/> DISMISSAL <input type="checkbox"/> GUILTY PLEA <input type="checkbox"/> NOLO PLEA <input type="checkbox"/> GUILTY FINDING <input type="checkbox"/> NOT GUILTY FINDING <input type="checkbox"/> CASE FILED 1 YEAR <input type="checkbox"/> INFO/TRUE BILL <input type="checkbox"/> NO INFO/NO TRUE BILL <input type="checkbox"/> OTHER		SENTENCE IMPOSED
PROCEEDING <input type="checkbox"/> ARRAIGN <input type="checkbox"/> PRE TRIAL <input type="checkbox"/> TRIAL <input type="checkbox"/> OTHER		APPEAL TAKEN <input type="checkbox"/> JUDGE <input checked="" type="checkbox"/> DATE

COUNT 3	STATUTE(S) VIOLATED	<input type="checkbox"/> FELONY <input type="checkbox"/> MISDEMEANOR <input type="checkbox"/> VIOLATION <input type="checkbox"/> ORDINANCE
DISPOSITION <input type="checkbox"/> DISMISSAL <input type="checkbox"/> GUILTY PLEA <input type="checkbox"/> NOLO PLEA <input type="checkbox"/> GUILTY FINDING <input type="checkbox"/> NOT GUILTY FINDING <input type="checkbox"/> CASE FILED 1 YEAR <input type="checkbox"/> INFO/TRUE BILL <input type="checkbox"/> NO INFO/NO TRUE BILL <input type="checkbox"/> OTHER		
SENTENCE IMPOSED		DATE
PROCEEDING <input type="checkbox"/> ARRAIGN <input type="checkbox"/> PRE TRIAL <input type="checkbox"/> TRIAL <input type="checkbox"/> OTHER		APPEAL TAKEN <input type="checkbox"/> JUDGE <input checked="" type="checkbox"/> DATE

VICTIM(S) NOTIFIED <input type="checkbox"/> ARRAIGNMENT <input type="checkbox"/> PRE TRIAL <input type="checkbox"/> TRIAL	VICTIM(S) APPEARED <input type="checkbox"/> ARRAIGNMENT <input type="checkbox"/> PRE TRIAL <input type="checkbox"/> TRIAL	CASE TYPE <input type="checkbox"/> DOMESTIC VIOLENCE	IMMEDIATE APPEAL TAKEN DATE JUDGE X	ADDITIONAL COUNTS ATTACHED N
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